

## Rules of ministerial recruitment

Article (Accepted Version)

Annesley, Claire (2015) Rules of ministerial recruitment. *Politics and Gender*, 11 (4). pp. 618-642. ISSN 1743-923X

This version is available from Sussex Research Online: <http://sro.sussex.ac.uk/id/eprint/58867/>

This document is made available in accordance with publisher policies and may differ from the published version or from the version of record. If you wish to cite this item you are advised to consult the publisher's version. Please see the URL above for details on accessing the published version.

### **Copyright and reuse:**

Sussex Research Online is a digital repository of the research output of the University.

Copyright and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable, the material made available in SRO has been checked for eligibility before being made available.

Copies of full text items generally can be reproduced, displayed or performed and given to third parties in any format or medium for personal research or study, educational, or not-for-profit purposes without prior permission or charge, provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

# RULES OF MINISTERIAL RECRUITMENT

Claire Annesley

Peer reviewed, pre-publication version submitted to *Gender and Politics* for publication in volume 11, issue 04, December 2015, pp 618-642

## Abstract

Women's recruitment to ministerial office is improving, but our understanding of what determines women's access to cabinet remains underdeveloped. Comparative studies explain women's ministerial presence through correlations with country-level socio-economic or political factors. This research uses a feminist institutionalist approach to explain gendered access to cabinets. It uses original data from interviews with former ministers and special advisors to map the rules in use of ministerial recruitment. It demonstrates that women's access to ministerial office is facilitated and constrained by three complexes of predominantly informal rules which structure: who is eligible to be chosen (the eligibility pool); how to qualify (specialist or generalist principles); and who selects ministers (the prime minister or the party). By examining the rules of ministerial recruitment in two Westminster democracies, Australia and the UK, the research demonstrates the differences that exist, even in most similar cases, at system level, at party levels, and over time. By identifying the specific complexes of rules which shape women's access it is possible to identify the rule changes which have been effective in improving women's ministerial opportunities and suggest future reform strategies which would be most effective in the specific context.

## Rules of Ministerial Recruitment

### Introduction

Ministerial office represents the pinnacle of political power. Quite rightly, politics and gender and comparative scholarship is paying increasing attention to women's access to political executives (Davis 1997; Reynolds 1999; Siaroff 2000; Escobar-Lemmon and Taylor-Robinson 2005; Whitford et al 2007; Krook and O'Brien 2012; Claveria 2014). These studies develop and test a range of hypotheses relating to the demographic, socio-economic, political cultural or political institutional factors at state or system level deemed to shape women's access to political executive office. The conclusions primarily emphasize relatively general correlations between women's ministerial representation and a nation's familiarity with women in positions of power (Reynolds 1999), the prevalence of 'egalitarian societies' and 'leftist values' (Siaroff 2000) or international pressure and regional contagion (Escobar-Lemmon and Taylor-Robinson 2005). Studies which address the importance of political institutional factors affecting the supply and demand of female government ministers highlight the different procedures for appointing ministers in presidential versus parliamentary democracies (Reynolds 1999, Whitford et al 2007) or the generalist versus specialist recruitment traditions of ministerial recruitment in parliamentary democracies (Davis 1997, Siaroff 2000, Claveria 2014). All studies flag the significance of the numerical presence of women in parliament, and some the way the electoral system or gender quotas influence women's access to parliament (Krook and O'Brien 2012, Claveria 2014).

The premise of this article is that recruitment to executive office cannot be fully explained by the aggregate socio-demographic characteristics of ministers nor by the general characteristics associated with the political systems in which they operate. These studies' general correlations do not explain the complex factors which structure pathways to ministerial office. To understand ministerial recruitment it is important to know precisely who is eligible to be chosen (the eligibility pool), how to qualify (generalist or specialist principles), and who select ministers (the prime minister or party).

Regarding the eligibility pool, the existing literature finds that a high share of women in parliament correlates with high share of women in ministerial office, but this correlation only ever takes into account women in the single or lower house. This is misguided as there is a strong variation in rules across parliamentary systems

regarding whether ministers can be recruited from just the lower house (e.g. Germany), or from the upper house as well (e.g. UK, Australia). Moreover, it makes little sense to correlate women's ministerial presence with the aggregate number of women in parliament as it is only women from the governing party or parties and not the lower house as a whole who are in the ministerial eligibility pool. Even when there is a high share of women in parliament, few may be eligible for ministerial office by dint of the fact that they sit on the opposition benches.

Women's presence in the eligibility pool does not automatically translate into a ministerial position. Yet the existing literature says little about the criteria that qualify someone to move from the recruitment pool to ministerial office. The one exception is Davis (1997) who specifies that specialist systems recruit on grounds of policy expertise while generalist systems reward political skill, service and loyalty. She finds that specialist systems are more open to women's recruitment than generalist systems (1997, 46) but this is measured quantitatively rather than qualitatively.

The existing literature also provides incomplete explanations for the demand side of ministerial recruitment: who is it that selects ministers? Some studies test for correlations between the presence of a female Prime Minister (PM) and the number of female ministers (Krook and O'Brien 2012) and other between governments of the left and women's ministerial presence (Siaroff 2000). But this literature does not capture or explain the central role the PM, as primary selector, plays in structuring demand for female ministers, particularly where she is not required to form a coalition. Nor does the literature capture the significance of other actors, such as political parties, who play a role in ministerial selection.

The claim of this article is that ministerial recruitment is best explained by using new institutionalist approaches to reveal complexes of formal and informal rules which govern who is eligible, how to qualify, and who selects ministers. Drawing on the theoretical contributions of feminist institutionalists (Kenny 2007, Krook and Mackay 2011, Chappell and Waylen 2013), the article makes the case that women's access to ministerial office is best explained by the way these complexes of rules distribute power unequally between men and women. It also shows how rule change in these three complexes have and could improve women's chances of securing ministerial office. The research adopts a most similar system research design, selecting two countries with seemingly similar rules at the system level - the UK and Australia (Rhodes et al 2009). In these two Westminster democracies: ministers may only be

recruited from within parliament; in both systems generalist criteria determine who qualifies as a minister in both systems; and in both countries the PM has, in theory, autonomy over ministerial appointments as the need to share portfolios with a coalition partner is rare. This research design allows us to establish the extent to which rules determining ministerial recruitment are identical at the system level and identify the differences that exist between and within similar systems, as well as over time. The article first sets out the benefits of a feminist institutionalist approach to the study of executive recruitment and the methodological implications of researching formal and informal rules; second it presents empirical data on the complexes of rules which govern who is eligible to be chosen, how to qualify and who selects ministers in the UK and Australia, as well as how these rules are gendered and have changed; third, it concludes with an evaluation of the types of rules which govern ministerial recruitment, stressing the predominance of informal rules, and some proposals for institutional reforms which would improve women's access to ministerial office in the future.

### Rules, Power and Gender

New institutionalist (NI) analysis recognizes that political life is structured by formal rules, informal practices and ideational norms (March and Olsen 1984; North 1990; Hall and Taylor 1996; Thelen 1999; Thelen 2003), and institutionalist scholars specify that each political arena has its own distinct set of formal and informal rules of the political game (Chappell and Waylen 2013, 608, Annesley and Gains 2010, Mackay and Rhodes 2013). Feminist institutionalism (FI) significantly adds to NI analysis by theorizing and researching the ways in which formal and informal rules are gendered (Kenny 2007; Krook and Mackay 2011; Chappell and Waylen 2013). Institutions can, for example, experience 'gender capture' due to men's domination of politics or a 'gender bias' that 'seep[s] into supposedly impartial or gender neutral arrangements' (Goetz 2007, 46-7).

Formal rules are 'formally constructed and written down' (Lowndes and Roberts 2013, 53) in a constitution, terms of reference, code of conduct, regulations or policies. These can easily be identified and studied through the 'tools of the lawyers and the historian' (Lowndes and Roberts 2013, 54) and by the formal sanctions on actors who do not adhere to formal rules. Formal rules can be explicitly gendered in negative or positive ways (Lowndes 2014, 687). Equally, in politics 'seemingly

neutral rules [...] may have gendered effects because of the way they interact with informal rules derived from wider gender norms' in private or public life (Lowndes 2014, 687) or with rules in other parts of the political system.

Political life is structured not only by formal rules, but also by informal rules, the 'socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels' (Helmke and Levitsky, 2004, 727; see also Azari and Smith 2012). Informal rules are 'specific to a particular political or governmental setting, they are recognized by actors (if not always adhered to), [and] they have a collective (rather than personal) effect' (Lowndes and Roberts 2013, 47). For FI scholars, informal rules relating to gender are key to understanding how power is allocated in the political world (Chappell and Waylen 2013). This includes social norms concerning men and women's respective roles and accepted ideas about feminine and masculine modes of behavior ascribed to men and women in public and private life, what Chappell (2002, 11) refers to as the gendered 'logic of appropriateness'.

Formal and informal institutions work together in a variety of ways. Helmke and Levitsky (2004, 728-9) propose that informal institutions can be: *complementary*, filling the gaps by 'addressing the contingencies not dealt with in the formal rules'; *accommodating*, creating incentives to 'behave in ways that alter the substantive effects of the formal rules'; *competing*, structuring incentives 'in ways that are incompatible with formal rules'; and *substitutive*, achieving what formal institutions were meant to, but failed to achieve. An alternative strategy for establishing and assessing the interaction of formal and informal rules is through the concept of 'rules in use' (Ostrom 1999; Lowndes 2014; Kenny 2013), which avoids 'making any strict separation of informal and formal rules or prejudging their relative significance' (Lowndes 2014). This strategy identifies rules as 'the way we do things around here' (Lowndes and Roberts 2013, 41) or the 'dos and don'ts that one learns on the ground' (Ostrom 1999, 38). For FI scholars gender norms and practices shape the interaction between formal and informal institutions (Chappell and Waylen 2013).

Institutions are not neutral in their disposition but distribute power in ways that create opportunities for and constraints on different actors (Burch and Holliday 1996). FI scholars make the case that power flows to one sex rather than the other as a consequence of the gendered balance of power when the institution was established (Kenny 2006, Krook and Mackay 2012). According to Chappell &

Waylen (2013, 607) 'earlier rules about gender can survive in an informal guise and continue to operate to enforce the same (old) expectations, relationships and power structures'.

Formal and informal rules change, and the way they interact is dynamic (Azari and Smith 2012). Rules, practices and norms may combine to produce institutional stability over time, but change can occur when gaps or contradictions open up between formal institutions, creating instability (Lowndes and Roberts 2013; Azari and Smith 2012). When the 'fit' between different parts of an institutional configuration weakens, 'creative spaces' open up which can lead to institutional change (Lowndes and Roberts 2013, 134). Political actors enact and sustain institutions but actors can also exploit 'creative spaces' to make, bend and break rules (Lowndes and Roberts 2013, 105). Creative spaces can also be purposefully created by activists who 'can work to instate practices and rules that recast the gendered nature of the political' (Beckwith 2005, 132-3). However, a change in formal rules may not be accompanied by a change in informal rules, including gender norms, which are notoriously 'sticky' (Chappell and Waylen 2013, 603).

To identify the gendered and dynamic rules in use in the recruitment of ministers in the UK and Australia the research employs a qualitative methodology. To identify any formal rules which shape ministerial recruitment it refers to the constitution, laws, regulations or policies at the national and party levels. Informal institutions, though hard to spot, identify and measure, can 'be recognized by actors and can be described and explained' either directly to researchers, or in the form of insider accounts and expert observations (Lowndes and Roberts 2013, 47). To identify the informal rules of ministerial recruitment this research uses data derived from seven semi-structured elite interviews conducted by the author with UK and Australian ministers, former ministers and special advisers 2007-13, supplemented by published sources such as autobiographies, insider accounts, and media reports. In addition to this qualitative data by a numerical overview of women's presence in Australian and UK cabinets and parliaments since the early 1980s is provided in tables one and two.

### Who is Eligible to be Chosen?

In Westminster parliamentary democracies such as Australia and the UK the rule is that eligibility for ministerial positions is restricted to members of the national

parliament. The Australian constitution states that ‘no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives’ (Commonwealth of Australia 2010, Ch 2 Para 64) while in the UK it is a ‘convention [...] that ministers must be members of either the House of Commons or House of Lords’ (Parry and Maer 2012, 1). Both parliamentary systems are bicameral and in each case ministers can be recruited from the upper house as well as the lower house. This rule determines that the eligibility pool of ministers is broader than just the lower chamber.

However, there are consistently fewer women than men in the ministerial eligibility pool. Table one shows the number and share of women on the government benches in the lower and upper houses at the point at which the government was formed. Women’s share of government seats in the lower house ranges from 2.3 per cent (1979) to 27.6 per cent (2005) in the UK and from 8 per cent (1983) to 32.5 per cent (2007) in Australia. Systematic data on the members of the House of Lords by gender *and* party in the House of Lords over time is not available, but snapshots from recent years show women’s share on government benches at between 20 and 25 per cent (Eason 2010; Centre for Women and Democracy 2013). In Australia women’s share of seats in Senate ranges from 13.3 per cent (1993) to 43.8 per cent (2007).

*Table one about here*

Women’s access to the ministerial eligibility pool is determined by formal rules of the electoral systems or the procedure for nomination to the House of Lords. The electoral systems for the UK and Australian lower houses, though different, each involve a contest between individual candidates at the end of which just one is elected to a constituency. Such electoral systems do not deliver high percentages of female parliamentarians as there is steep, gendered competition at the party selection stage (Lovenduski and Norris 1989; Studlar and McAllister 1991, Kenny 2013).

Women’s presence in the upper house is stronger, particularly in the Australian senate, as a consequence of different rules of appointment. The proportional representation electoral system to the Australian Senate, in place since 1948 (Curtin 2010, 401), means women have been permanently represented there since 1943. In contrast, women’s access to the House of Lords has been constricted by two rules. Hereditary peerages were passed down the male line only until 1963 and



nominated life peerages were not granted to women until 1958 (Eason 2010, 72). Rule changes by Labour governments (1997-2010) to the Lords appointment procedure restricted the number of hereditary peers to 92 and opened up recruitment to the House of Lords as life peers through a process of nomination by party and selection by committee. This change significantly increased the presence of women in the Lords (Eason 2010).

In the UK, peers and baronesses can and do become Ministers – indeed the cabinet position Leader of the House of Lords is reserved for one – but they are significantly outnumbered by ministers who are elected MPs (Parry and Maer 2012). Table two shows that between 85 and 95 per cent of UK ministers are recruited from the House of Commons. Similarly, between two-thirds and three-quarters of Australian ministers are recruited from the House of Representatives (see also Curtin 1997; Curtin 2010). Moreover, certain ministerial appointments – Prime Minister, Treasurer, and Minister for Foreign Affairs – are informally reserved for members of the House of Representatives (Curtin 2010; interview Australia 1). This informal rule has meant that Senators with certain ministerial aspirations ‘have had to relinquish their Senate position and seek election to the lower house’ (Curtin 2010, p. 401). It is clear that although Australian and UK ministers can be recruited from both houses of parliament, competing informal rules favor ministerial appointments from the lower house.

*Table two about here*

Since membership of the House of Lords is now based primarily on selection, PMs can also proactively place favored ministerial candidates in the eligibility pool by appointing them to the upper house. In 2008 PM Gordon Brown made former MP Peter Mandelson a life peer so that he could return to cabinet as Business Secretary (Eason 2010) and in 2015 PM Cameron appointed Dr Ros Altman, former director of the pensioners’ lobby group Saga, as pensions minister (Read 2015). By extension, nomination to the Lords can be used as a strategy to boost women’s representation in government if the supply of eligible women in the Commons is low. In 2010 UK PM David Cameron selected five women to his cabinet, one of whom was Baroness Warsi, as an unpaid minister without portfolio (Annesley and Gains 2012).

While an analysis of system-level rules is important, it is ultimately incomplete if it fails to acknowledge the important differences among parties within that system.

Table one shows that the supply of potential female ministers is higher when the UK Labour Party or Australian Labor Party (ALP) is in government than at times when the Liberal-National Coalition or Conservative Party are forming the government. Formal and informal rules at the party level shape the supply of potential ministers in parliament. In the UK, the number of women in the lower house was boosted significantly by a formal party-level rule change by Labour regarding candidate selection in the run-up to the 1997 general election. The rule permitted All Women Shortlists (AWS) in candidate selection to ensure that women would be selected to run for constituencies in half of winnable seats (Childs 2002). Labour later introduced the Sex Discrimination (Election Candidates) Act 2002 which permits positive discrimination in the selection of all parliamentary candidates (Childs 2002). Of the main parties, only Labour has used AWSs and this accounts for the higher rates of female presence in the House of Commons: up from 60 female MPs in the 1992 parliament (37 Labour women), to 120 following the 1997 election (101 Labour women). The Conservatives opted for softer mechanisms ahead of the 2010 election, namely the adoption of a priority list for candidate selection comprising at least 50 per cent women (Campbell et al 2006).

In Australia, a formal rule change in the ALP constitution introduced affirmative action to promote women's presence across the party structure, including in parliament. The initial 1981 ALP conference decision to support affirmative action set a target of 30 per cent women in the parliamentary party by 1990 (ALP 2004, 20; Curtin and Sexton 2004, 12; Kent 2009). Despite being 'on the books' the 1981 decision was weakly enforced because there were 'no mandatory targets or sanctions' (Kent 2009, 108) and there was no explicit requirement to select women to winnable seats (Curtin and Sexton 2004, 12). The formal rule was ineffective because 'when push came to shove, many of the boys were unwilling to extend the power base for preselection' (Kirner, cited in Kent 2009, 108).

A second ALP affirmative action strategy was the adoption at the 1994 party conference of an explicit 35 per cent gender quota for all ALP party positions by 2002, upped in 2002 to 40 per cent by the year 2012 (ALP 2004, 7; Curtin and Sexton 2004, 12). This rule, developed by 'a national campaign in Labor branches, involving three generations of Labor women' (Kent 2009, 108) was more strictly enforced by the National Conference through the threat of a sanction of all seats being opened up for reselection, running the risk of unseating incumbent men

(Curtin and Sexton 2004, 12). The impact of the quota was to double the number of ALP female candidates from 26 to 59 and to quadruple the number of women selected for winnable seats from 4 to 15 (Curtin and Sexton 2004) and indirectly the Liberal party has increased the number women contesting seats for parliament (Curtin and Sexton 2004, 12).

### How to Qualify as a Minister

Being a member of parliament on the government benches is no automatic route to ministerial office. Members of the eligibility pool must secure 'certification for eligibility for office' (Davis 1997, 43). In generalist parliamentary systems, such as the UK and Australia, qualification for ministerial office derives from the ability to demonstrate 'broad political backgrounds' such as parliamentary expertise or service and loyalty to the party or leader (Davis 1997, 38). Such criteria are largely informal and hard to demonstrate that they have been met.

Generalist political skills for ministerial office are accumulated and demonstrated in parliament and political parties. Some accounts of the informal rules of generalist ministerial appointment assert that ministers need to have served a certain period of time in politics. Davis (1997, 43), suggests at least seven years in parliament, while a former minister said she was appointed because she had 'been around for almost 10 years' (interview Australia 2). Political skills can also be demonstrated through parliamentary positions, committee assignments (Davis 1997, 44, Kaufman 1997, 6) and good parliamentary performance (Berlinski et al 2009, 60). According to a former UK minister 'it pays to be able to speak well in the House' though 'over-exposure at Question Time is not recommended' (Kaufman 1997, 5).

Generalist political skills can also be accumulated via a political apprenticeship with a party which involves 'hard work' (interview UK 4) and extensive party campaigning and / or serving as a party official (interview Australia 1). Such party activities can fast-track newly elected MPs into ministerial office (interview UK 4) and internal party careers can count as prerequisites for certain ministerial posts. As well as the party leader being able to claim the post of PM, in Australia the portfolio of Treasurer is traditionally reserved for the deputy leader of a party (interview Australia 1; interview Australia 2).

Most significantly, loyalty to the PM and the party of government are important qualifying criteria in generalist systems of ministerial recruitment (Berlinski et al 2009, 60). As Kaufman puts it 'genuine loyalty [...] is [...] a rightly valued quality which is properly rewarded' (1997, 3) and 'being Parliamentary Private Secretary to the leader, whether in government or Opposition, is itself almost a guarantee of office' (p. 6). Reflecting on why she was appointed to cabinet, one former minister cites her ethos of being 'loyal and discrete' (interview UK 4), another her loyalty to the PM in his leadership contest (interview Australia 1).

Informal rules of qualification in generalist systems are strongly gendered. Davis (1997, 46) finds that 'women [...] have a more difficult time accessing the highest ranks of the elite in generalist systems than in systems closer to the specialist pole' not because of women's lower numbers in the eligibility pool but due to the informal 'rules of the political game' (p. 54) which state that 'access to the highest ranks of political power requires access to the lower rungs and participation in a way that certifies eligibility for the highest ranks' (p. 55). The ability of female eligibles to qualify for ministerial office in generalist systems is constrained by the gendered 'logic of appropriateness' (Chappell 2002), the enduring set of informal rules and norms attributed to male and female bodies and behaviors in political arenas. The informal rule determining 'what makes a good minister' is distinctively gendered with an expectation that ministers are male (Jenkins 2003).

Women MPs' capacity to accumulate generalist skills is curtailed by parties and parliament as gendered institutions (Lovenduski 2005, Puwar 2004). According to one female Conservative MP, parliament 'was developed by men, for men [...] that this is a real problem for us. It is not really designed to bring out the best in us' (cited in APPG 2014, 36). Women's historic absence from parliament means that men's service will invariably exceed theirs, and women are more likely to be selected to represent marginal seats, meaning that they are less likely than their male counterparts to survive past one term. Opportunities for women to accumulate generalist skills to qualify as ministers are also curtailed by the mode of debate in parliament (Lovenduski 2005). The Women in Parliament inquiry (APPG 2014, 42) reported 'several MPs avoid the Chamber during Prime Minister's Questions due to the testosterone fuelled atmosphere'. In contrast, research on the reformed House of Lords found it 'less-testosterone fuelled', 'less confrontational' 'a much gentler

place to work' than the Commons, creating an atmosphere 'in which women thrive' (Eason 2010, 142).

Both the UK and Australia have had female PMs, but few women have secured the other leadership positions in political parties which set up ministerial opportunities. In Australia it took until 2001 for a woman, Jenny Macklin, to be elected deputy leader of the ALP, followed by Julia Gillard in 2006-10. It was not until 2007 that the Liberal Party elected a female deputy, Julie Bishop. In the UK there have been two deputy leaders of the Labour Party: Margaret Beckett in 1992-94 and Harriet Harman 2007-15.

Finally, there is evidence that women are excluded - either overtly or covertly - from the crucial networks around the PM that set up opportunities for ministerial office in generalist systems. The first female ALP minister, appointed in 1983, found that, as a woman, she was 'not meant to be there' (Ryan 1999a, 227); that her presence 'defied the natural order of things' (1999a, 281); and that 'men are meant to exercise power' (Ryan 1999a, 284). In the UK women with ministerial experience stated the biggest barrier to ministerial appointment was 'men' (interview UK 1) and 'men's sense of entitlement' (UK 4), implying overt informal obstruction to women's presence in executive office. Accounts of UK Labour governments 1997-2010 described the culture of the inner circle around the leaders as 'blokey' and 'laddish', making it hard for women to access high-trust networks (Annesley and Gains 2010). However, interviews also reveal strategies used by networks of feminist actors to help women meet the informal qualification for ministerial office (interview UK 2; interview Australia 2). For example, PM Blair's political secretary, Sally Morgan, would put women on his radar for ministerial appointment (interview UK 1; interview UK 3; interview UK 4) and female ministers now report being part of the high trust networks that preface ministerial appointments (interview Australia 2).

### Who Selects Ministers?

The Australian constitution states the formal rule that the Governor-General as the Queen's representative in Australia, 'may appoint and dismiss the members of the Executive Council, ministers of state, and all officers of the executive government' (Australian Constitutions 2.2.). However, the dominant practice in parliamentary democracies is that ministerial appointments are in the gift of the Prime Minister. In Westminster democracies this power of patronage is mostly unconstrained as

elections result in single party governments or, in the case of the Australian Liberal Party, a permanent and predictable alliance with a second party.

Another important feature of Westminster systems is that the main party in opposition forms a shadow cabinet: ministerial careers are initially set up by being appointed to the cabinet in opposition (interview Australia 2; interview UK 4). One minister's recruitment to cabinet was her reward for her having 'put in a good campaign for us in opposition as a shadow minister' (interview Australia 2). Ahead of the 2013 Australian election Liberal leader Abbott stated that 'all my frontbenchers can expect to be doing the same job in government as they are now' (cited in Annesley et al 2014). Abbott's choice to enforce this informal rule meant that just one woman was appointed to cabinet as the other women on the shadow team lost her parliamentary seat (Annesley et al 2014).

The informal rule of PM patronage in ministerial and shadow cabinet appointment most strongly applies to Conservative PMs in the UK and Liberal PMs in Australia. These significant informal powers of patronage reinforce loyalty as the core qualifying criteria. Strong PM autonomy in ministerial appointments equally means that a PM can, if the will is there, be proactive in appointing male and female ministers in equal numbers. PM David Cameron failed to deliver on his 2008 pledge of one-third women in his (coalition) cabinet 2010-15, partly due to his Coalition partner not nominating any female ministers, (Annesley and Gains 2010), but he met this target in his 2015 majority government.

In contrast, Labour PMs in the UK and Australia have been more constrained in their powers of patronage due to formal rules which permit the party in parliament to select ministers through a ballot, a practice intended to secure a strong voice for the collective parliamentary party vis à vis executive leadership (McHenry 1955, Punnett 1964, Rhodes et al 2009). In the ALP the caucus elects ministers, with portfolios then allocated by the PM, a tradition that dates back to 1905 (Rhodes et al 2009, 105, Dowding and Lewis 2015, 47). In the UK, the Parliamentary Labour Party (PLP) in opposition traditionally had the power to elect shadow ministers who subsequently become members of the cabinet after a successful general election. In the UK, the shadow cabinet was elected by the PLP annually until 2010. An incoming PM was not obliged to adopt the PLP list wholesale (Punnett 1964), but Kaufman (1997) advises that the political costs of ignoring it would be high, a sentiment echoed in an interview with a former minister (interview UK 4). When in

government Labour PMs have had the freedom to select their own ministers, albeit taking into account 'the standing of politicians in the wider party and trade union movement' (interview UK 4).

This formal rule in labour parties changes the dynamics of ministerial recruitment. Rather than needing to demonstrate loyalty to the PM this practice dictates that it is essential for aspiring ministers to 'lobby hard' to secure strong support of the parliamentary party (Ryan 1999a, 211; interview UK 4). As has been documented elsewhere with respect to candidate selection for general elections, party selectorates can act as an additional barrier to women seeking to access political office (Kenny 2013). Indeed, the UK Labour Party, built on strong male working class and trade unionist traditions, traditionally prioritized class over gender (Lovecy 2007) and the ALP caucus features an additional cleavage between the right 'influenced by Catholic social teaching' and the left 'influenced by traditional labour-market protectionist beliefs' (Kent 2009, 145).

In his assessment of shadow cabinet elections 1955-63 Punnett (1964) found that there was little turnover on the lists, making it hard for newcomers, for example women, to secure a place on the shadow ministerial list. Moreover, there were 'a lot of blocs in the PLP, Scots voting for Scots and so on' (interview UK 4). In Australia, ALP caucus elections have been flagged as one of the biggest hurdles to women in executive office (Ryan 1999) on account of the strong, gendered factions within the ALP (Summers 2003). The first female ALP minister, Susan Ryan stated that 'factional party power stymied more women than parliament' (1999a, p. 138) and more recently the former Speaker of the House of Representatives, Anna Burke, criticized faction leaders as 'faceless men' who were 'firmly in control' of the ministerial selection process, to the detriment of women who hoped for a 'meritorious selection' (Crowe 2013, see also Dowding and Lewis 2015, 47).

Even though the caucus vote and elected list was strictly enforced in Australia, informal rules have allowed ALP PMs to exercise discretion to improve diversity. In 1990 Hawke sent the list back to the party faction and requested a 'more balanced and representative selection' (Weller 2007, 198). PMs Rudd and Gillard were permitted to by-pass the formal rule and make their own ministerial appointments as a 'reward' for returning the party to government (interview Australia 2). In 2007 Rudd chose his ministers first and then got the seal of approval from the caucus, in

the process dumping 'six time servers' (Rhodes et al 2009, 105). Rudd was 'very good at appointing women to key portfolios' (interview Australia 2).

In the UK a series of formal rule changes have secured the appointment of more women to shadow cabinets, a change which came about as a result of feminist campaigning within the party (interview UK 4). First, the size of the shadow cabinet was increased from 12 in 1979 to 15 in 1982, 18 in 1992 and 19 in 1995, to create more openings for women (interview UK 4). New voting rules for the 1992 shadow cabinet election specified that the top three women would be included in the shadow cabinet, even if they were not among the top 18 based on votes alone. In the years 1993-6 MPs were required to vote for four women with the sanction that ballot papers would be otherwise void.

Following Labour's return to opposition in 2010 shadow cabinet election required PLP members to vote for six women for the ballot to be valid to ensure the share of women in the shadow cabinet would be equal to their representation in the House of Commons (31.5 per cent). Following the report of a group commissioned to consider changing the rules the practice of shadow cabinet elections was abolished: Labour MPs were 'sick of all those bloody emails from lobbying MPs' and the 2010 intake had 'no strong memory of shadow elections' (interview UK 4). In 2011 shadow cabinet appointments reverted to an informal process of patronage by the party leader. This informal rule allowed Labour leader Ed Miliband 2010-15 (and Harriet Harman, interim leader for 2015) to achieve 50 per cent female representation in shadow cabinet, demonstrating that party leader or PM's informal powers of patronage can deliver an improvement on what was achieved through formal quotas rules. According to one female former minister 'Ed has done more than anyone else to break down male entitlement' (interview UK 4).

#### Conclusion: Informal Rules are doing the work in Ministerial Recruitment

Australia and the UK are textbook Westminster parliamentary democracies with seemingly similar rules at the system level: ministers must be recruited from parliament, qualification for office is based on generalist criteria, and the PM should have discretion over ministerial appointments. A qualitative analysis of the rules in use of ministerial recruitment using original and existing data from both states reveal some commonalities but significant variation within the similar system: between the countries, between parties, and over time. These gendered rules and



how the actors within each complex of rules relate to them, strongly determine women's access to ministerial office.

In Australia and the UK there is an *almost complete absence of written rules directly relating to ministerial recruitment*, other than the clauses in the Australian constitution stating that ministers must be members of parliament, and that the Governor General formally appoints ministers. Analysis of the three institutional complexes does reveal some important *associated formal rules which structure ministerial opportunities for women*. However, there are significant differences between formal rules in each country, such as the rules of election versus selection to the upper houses of parliament. There are also important contrasts in the formal rules of the main parties in each state, most notably the gender quota rules adopted by the ALP and the formal rules which gave the parliamentary party or caucus a role in selecting their ministers.

In the absence of (m)any explicit formal rules on ministerial recruitment, it is most evident that in both cases it is *informal rules that are doing the work* in structuring ministerial recruitment. Complementary informal rules are 'filling the gaps' and 'addressing the contingencies not dealt with in the formal rules' (Helmke and Levitsky 2004) in different ways, in different sites, and by different actors. These informal rules about ministerial recruitment operate alongside informal rules regarding gender which govern men and women's assumed roles in the public and private spheres as well as expectation of appropriate modes of behavior for women in public life.

Regarding the *eligibility pool*, the informal rule in use in both states is that ministers should predominantly be recruited from the lower house and this is particularly so in the UK because the Lords is non-elected. We also see competing informal rules at play in the ALP: formally, affirmative action in selection procedures was 'on the books' but not fully implemented because 'when push came to shove, many of the boys were unwilling to extend the power base for preselection' to women (Kirner cited in Kent 2009, 108).

In the absence of any formal rules concerning how to qualify as a minister, complementary informal rules specify that *generalist skills* must be accumulated and demonstrated in parliament, parties and / or the PM's networks. These unwritten rules of qualification can be described by insiders: ministers recall they became ministers as a reward for hard work and service to the party and / or loyalty

to the party leader. Equally, female insiders describe how women have traditionally been denied access to positions and networks which provide opportunities to accumulate generalist skills, initially because their 'presence denied the natural order of things' (Ryan 1999a, 277). Over time such informal rules of qualification have been challenged by female actors: women have created parallel informal networks for themselves (interview UK 1; interview Australia 2), or they have made use of strategically placed feminist allies to place women with the requisite generalist skills on the PM's radar, as in the case of Sally Morgan, PM Blair's political secretary.

With regards *ministerial selection*, the dominant informal rule in use is that the PM has strong powers of patronage to choose his ministerial team. In Australia, substitutive informal rules allow the Australian PM rather than the Governor General to select ministers and, in certain circumstances, a Labor PM rather than the caucus to make the ministerial selection. In the UK an informal rule has replaced the formal PLP rule, thus allowing the party leader to make the shadow cabinet appointments which set up ministerial opportunities. Informal rules underpinning PM patronage work both ways for aspirant female ministers. On the one hand they empower male and female PMs / leaders who are 'sympathetic or feminist' (interview UK 3) to appoint women to ministerial positions: Rudd and Miliband are described in interviews as feminist; Blair and Cameron as sympathetic. On the other hand, the informal rules allow PMs with no inclination to appoint women, to stick with the dominant norm of ministers as male (see Thatcher and Abbott).

This institutionalist analysis of the rules of ministerial recruitment in Australia and the UK also identified some examples of *institutional change which has improved women's chances* of being eligible for, qualifying for, or being selected to ministerial office. There is some evidence of change to informal rules, despite their reputation for being sticky, which has led to improvements in the recruitment of women to ministerial office. Labour leaders and PMs in both countries have invoked informal powers of patronage to challenge traditional party power structures in the caucus / PLP, which are strongly gendered to men's advantage, and promote equality and diversity in ministerial appointments instead. Conservative PM Cameron also challenged his party's traditional stance on gender, appointing one-third female ministers, in excess of their 20 per cent share of government seats in the Commons. That said, many informal rules remain, especially relating to the

generalist qualification criteria in parties and parliament, and these continue to disadvantage women.

The evidence from this article is that some formal rules have replaced informal rules and that these, if properly enforced, have made a difference to women's ministerial opportunities. For example, formal rule changes over the years have opened access for women to the House of Lords, thus allowing them to secure ministerial office by that route. Overt feminist activism within the ALP and UK Labour Party resulted in formal rules relating to candidate selection for the lower houses of parliament, thereby increasing the number of labour women in those eligibility pools. Rules regarding the election of the UK Labour Party shadow cabinet were formally changed in response to feminist campaigning within the PLP.

From this premise it is possible to flag which *further formal rules* might improve women's access to ministerial office. This article concludes with proposals for formal rules designed to boost women's presence in the eligibility pool, improve their chances of qualifying in a generalist system, and steer the selectorate to appoint more women. To improve women's presence in the eligibility pool, gender quotas in candidate selection should be adopted and enforced by all parties. Also, constitutional reform to create an elected, representative House of Lords would strengthen the legitimacy of that ministerial eligibility pool where women are 'thriving' (Eason 2010). To address the informal, generalist rules of ministerial qualification, governments should introduce a formal job descriptions for ministers, coupled with a formal process of application (see Annesley 2014 and Murray 2014). To encourage selectorates to appoint male and female ministers in equal numbers, states should introduce gender quotas for executive office (Annesley 2014) as this would require PMs and/or the party selectorate in generalist systems to build more inclusive networks and spread rewards for loyalty and service more evenly between male and female party activists (Annesley 2014).

## References

Interview Australia 1 - former minister, 2010

Interview Australia 2 - minister, 2010

Interview Australia 3 – former special advisor, 2010

Interview UK 1 – minister, 2007

Interview UK 2 – minister, 2007

Interview UK 3 – former special advisor, 2008

Interview UK 4 – former minister, 2013

All Party Parliamentary Group Women in Parliament (APPG). 2014. Improving Parliament. London: House of Commons.

Annesley, C. 2014. 'More women in Government: time for gender quotas' Democratic Audit. <http://www.democraticaudit.com/?p=2933> [accessed 12 June 2014].

Annesley, C., Beckwith, K, Engeli, I. and Franceschet, S. 2012. 'Theoretical Perspectives on Gender and Executive Leadership.' paper presented at Midwest Political Science Association, Chicago, USA, April.

Annesley, C. Beckwith, K. and Franceschet, S. 2014. 'Gender, Power and the Executive Branch', paper presented at American Political Science Association, Washington DC, September.

Annesley, C. and Gains, F. 2010. 'The Core Executive: Gender Power and Change', *Political Studies* 58, 5, 909–29.

Annesley, C. and Gains, F. 2012 'Cameron's "Problem" with Women: Representing Women in the Coalition Government' *Political Quarterly* 83, 4, 18-26.

Australian Labor Party. 2004. National Constitution of the ALP. [www.alp.com](http://www.alp.com) [accessed 24 May 2015].

Azari, J. R. and Smith, J. K. 2012. 'Unwritten Rules: Informal institutions in established democracies' *Perspectives on Politics* 10, 1, 37-55.

Beckwith, K. 2005. 'A Common Language of Gender', *Politics and Gender*, 1, 1, 128-37.

Berlinski, S.G.; Dewan, T.; Dowding, K.; Subrahmanyam, G.; 2009. 'Choosing, moving and resigning at Westminster' in: Dowding, K. and Dumont, P., (eds.) *The Selection of Ministers in Europe: Hiring and Firing*. Routledge: Abingdon, pp. 58-78).

Burch, M. and I. Holiday. 1996. *The British Cabinet System*. London: Prentice-Hall.

Campbell, R., Childs, S. and Lovenduski, J. (2006), 'Women's Equality Guarantees and the Conservative Party'. *The Political Quarterly*, 77, 1. 18–27.

Centre for Women and Democracy. 2013. Women in the House of Lords Factsheet. <http://www.cfwd.org.uk/fact-sheets> [accessed 24 May 2015].

Chappell, L. 2002. *Gendering Government*. Vancouver: University of British Columbia Press.

Chappell, L. 2006. 'Comparing Political Institutions', *Politics and Gender*, 2, 2, 223–34.

Chappell, L. and Waylen, G. 2013. 'Gender and the Hidden Lives of Institutions' *Public Administration*, 91, 3, 599-615.

Childs, S. 2002. 'Concepts of Representation and the Passage of the Sex Discrimination (Election Candidates) Bill' *Journal of Legislative Studies*, 8, 3, 90–108

Commonwealth of Australia, 2010 *The Australian Constitution*, 7<sup>th</sup> edition, [http://www.aph.gov.au/About\\_Parliament/Senate/Powers\\_practice\\_n\\_procedures/Constitution](http://www.aph.gov.au/About_Parliament/Senate/Powers_practice_n_procedures/Constitution) [accessed 24 May 2015].

Crowe, D. 2013. 'Fraction too much Faction in Labor 'Cabal' ' *The Australian*, 13 October [www.theaustralian.com.au/national-affairs/fraction-too-much-faction-in-labor-cabal/story-fn59niix-1226739921069](http://www.theaustralian.com.au/national-affairs/fraction-too-much-faction-in-labor-cabal/story-fn59niix-1226739921069) [accessed 24 May 2015]

Claveria, S. 2014. *Women in Executive Office in Advanced Industrial Democracies: Presence, portfolios and post-ministerial occupation*, doctoral thesis, Universitat Pompeu Fabra.

Curtin, J. 1997. 'Women in the Australian Federal Cabinet' Research Note no 40, Department of the Parliamentary Library, <http://www.aph.gov.au/library/pubs/rn/1996-97/97rn40.pdf> [accessed 30 September 2010].

Curtin, J. 2006. 'Gendering political representation in the old and new worlds of Westminster' in M. Sawer, M. Tremblay, L. and Trimble (eds), *Representing Women in Parliament*. London: Routledge, pp. 236-51.

Curtin, J. 2010. 'Feminism, Power and the representation of women', in: D. Woodward, A. Parkin and J. Summers (eds), *Government, Politics, Power and*

Policy in Australia. 9th edition, Frenchs Forest NSW, Longman/Pearson Education Australia., pp. 394-414.

Curtin, J. and Sexton, K. 2004. 'Selecting and electing women to the House of Representatives: Progress at last?' paper presented to Australasian Political Studies Association conference, University of Adelaide, September.

Davis, R. H. 1997. *Women and Power in Parliamentary Democracies: Cabinet Appointments in Western Europe, 1968-1992*. Lincoln: University of Nebraska Press

Davis, G. 2002. 'Executive Government: Cabinet and the Prime Minister' in J. Summers, D. Woodward and A. Parkin (eds), *Government, Politics, Power and Policy in Australia* 7th edn. Longman: Frenchs Forest

Dowding, K. and Lewis, C. 2015. 'Australia: ministerial characteristics in the Australian federal government' in Dowding, K. and Dumont, P. (eds) *The Selection of Ministers around the World*. Routledge: Abingdon, 44-60.

Eason, C. 2009. 'Women Peers and Political Appointment: Has the House of Lords Been Feminised Since 1999?' *Parliamentary Affairs*. 62, 3, 399-417.

Eason, C. 2010. 'Their Lordships Divided? The Representation of Women in the Transitional House of Lords 1999-2009' PhD Thesis, University of Manchester.

Escobar-Lemmon, M. and M. Taylor-Robinson. 2005. 'Women Ministers in Latin American Government: When, Where, and Why?' *American Journal of Political Science*, 49, 4, 829-44.

Goetz, A. M. 2007. 'Gender Justice, Citizenship and Entitlements' in M. Mukhopadhyay and N. Singh (eds) *Gender Justice, Citizenship and Development*. Ottawa: Zubaan / International Research Centre, pp. 16-57.

Hall, P. and R. Taylor. 1996. 'Political Science and the Three New Institutionalisms' *Political Studies* 44, 5, 936-57.

Helmke, G. and Levitsky, S. 2004. 'Informal Institutions and Comparative Politics: A research agenda' *Perspectives on Politics*, 2, 4, 725-40.

House of Commons Library. 2014. 'Women in Parliament and Government' <http://www.parliament.uk/business/publications/research/briefing-papers/SN01250/women-in-parliament-and-government> [accessed 12 June 2014].

- Jenkins, C. 2006. 'Women in Australian politics: Mothers only need apply', *Pacific Journalism Review* 12, 1, 54-63.
- Jenkins, C. 2008. *No Ordinary Lives: Pioneering Women in Australian Politics*. Melbourne: Australian Scholarly Publishing.
- Kaufman, G. 1997. *How to be a Minister*. London: Faber and Faber.
- Kenny, M. 2007. 'Gender, Institutions and Power', *Politics*, 27, 2, 91–100.
- Kenny, M. 2013. *Gender and Political Recruitment. Theorizing Institutional change*. Basingstoke: Palgrave.
- Kent, J. 2009. *The Making of Julia Gillard*. Victoria: Penguin.
- Krook, M. L. and F. Mackay, F. (eds). 2011. *Gender, Politics, and Institutions: Toward a Feminist Institutionalism*. Basingstoke: Palgrave.
- Krook, Mona Lena and Diana Z. O'Brien. 2012. 'All the President's Men? The Numbers and Portfolio Allocations of Female Cabinet Ministers.' *Journal of Politics* 74 (3): 840-855.
- Lovecy, J. 2007. 'Framing Claims for women: From 'Old' to 'New' Labour' in Annesley, C., Gains, F. and Rummery, K. (eds) *Women and New Labour: Engendering Politics and Policy?* Bristol, Policy Press 63-92.
- Lovenduski, J. and Norris, P. 1989. 'Selecting Women Candidates: Obstacles to the Feminisation of the House of Commons' *European Journal of Political Research*, 17, 5, 533-62.
- Lovenduski, J. 2005. *Feminizing Politics*, Cambridge: Polity Press
- Lowndes, V. 2014 "How Are Things Done Around Here? Uncovering Institutional Rules and Their Gendered Effects" *Politics and Gender* 10, 4, 685-91.
- Lowndes, V. and Roberts, M. 2013. *Why Institutions Matter. The New Institutionalism in Political Science*. Basingstoke: Palgrave.
- Mackay, F, M. Kenny, M. and L. Chappell. 2011. 'New Institutionalism Through a Gender Lens: Towards a Feminist Institutionalism?' *International Political Science Review*, 31, 5, 1–16.
- Mackay, F. and G. Waylen. (eds) 2009. 'Critical Perspectives on Feminism and Institutionalism', *Politics & Gender*, 5, 2.

Mackay, F. and Rhodes, R.A.W. 2013. "Gender, Greedy Institutions and the Departmental Court". *Public Administration*, 91, 3, 582-98.

March, J.G. and J.P. Olsen. 1984. 'The New Institutionalism: Organizational Factors in Political Life', *American Political Science Review* 78, 3, 734-49.

McHenry, D. 1955. 'The Origins of Caucus Selection of Cabinet', *Australian Historical Studies*, 7, 25, 37-43.

Moon, J. and I. Fountain. 1997. 'Keeping the Gates? Women as Ministers in Australia 1970/96', *Australian Journal of Political Science*, 32, 3. 455-66.

Murray, R. 2014. What Makes a Good Politician? Reassessing the Criteria Used for Political Recruitment. Paper presented at ECPR Joint Session, Salamanca, 10-15 April.

North, D. C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge: Cambridge University Press.

Ostrom, E. 1999. 'Institutional Rational Choice: An assessment of the institutional analysis and development framework' in P. Sabatier (ed.) *Theories of the Policy Process*. Boulder: Westview, pp. 35-72.

Parliament of Australia. 2014. *Composition of Australian Parliaments by Party and Gender*.

<http://www.aph.gov.au/~media/05%20About%20Parliament/54%20Parliamentary%20Depts/544%20Parliamentary%20Library/Browse%20by%20topic/Currentwomen.ashx> [accessed 12 June 2014].

Parry, K. and Maer, L. 2012. *Ministers in the House of Lords*. House of Commons Library Standard Note SN/PC/05226

Puwar, N. 2004. *Space Invaders: Race, gender and bodies out of place*. Oxford: Berg

Punnett, R. M. 1964. The Labour Shadow Cabinet, 1955-64. *Parliamentary Affairs*, XVIII, 1, 61-70.

Read, S. 2015. 'David Cameron appoints campaigner Ros Altmann as pensions minister' *The Independent*, 11 May, <http://www.independent.co.uk/news/uk/politics/david-cameron-appoints-campaigner-ros-altmann-as-pensions-minister-10242603.html> [accessed 24 May 2015].



- Reynolds, A. 1999. 'Women in Legislature and Executives of the World: Knocking at the highest glass ceiling' *World Politics*, 51, 4, 547-72.
- Rhodes, R.A.W., J. Wanna, and P. Weller. 2009. *Comparing Westminster* Oxford: Oxford University Press.
- Ryan, S. 1999a. *Catching the Waves. Life in and out of politics*. Sydney: Harper Collins.
- Ryan, S. 1999b. 'Rollers and Dumpers: Life as a Cabinet Minister', *The Sydney Papers*, Winter, 21-7.
- Sawer, M. and M. Simms 1993. *A Woman's Place. Women and Politics in Australia*. St Leonards: Allen & Unwin.
- Siaroff, A. 2000. 'Women Representation in Legislatures and Cabinets in Industrial Democracies', *International Political Science Review*, 21, 2, 197-215.
- Studlar, D. and McAllister, I. 1991. 'Political Recruitment to the Australian Legislature: Towards and explanation of women's electoral disadvantage' *Western Political Quarterly*. 44, 2, 467-85.
- Summers, A. 2003. *The End of Equality. Work, babies and women's choice in 21st century Australia*. Milsons Point: Random House.
- Thelen, K. 1999. 'Historical Institutionalism in Comparative Politics', *Annual Review of Political Science*, 2, 369–404.
- Thelen, K. 2003. 'How Institutions Evolve: Insights from Comparative Historical Analysis' in J. Mahoney and D. Rueschemeyer (eds.), *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press, pp. 208-40.
- Weller, P. 2007. *Cabinet Government in Australia, 1901-2006*. Sydney, University of New South Wales.
- Whitford, A., V. Wilkins and M. Ball. 2007. 'Descriptive Representation and Policymaking Authority: Evidence from Women in Cabinets and Bureaucracies', *Governance: An International Journal of Policy, Administration, and Institutions*, 20, 4, 559-80.